

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAYON LIVELY,

1:05-cv-00362-AWI-DLB-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION** (Doc. 13)

vs.

**ORDER DISMISSING CERTAIN
DEFENDANTS**

J. WOODFORD, et al.,

Defendants.

Plaintiff, Dayon Lively ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On November 8, 2006, the Magistrate Judge filed Findings and Recommendation herein which were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendation were to be filed within thirty (30) days. To date, plaintiff has not filed objections to the Magistrate Judge's Findings and Recommendation.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendation to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendation, filed November 8,
8 2006, are ADOPTED IN FULL;

9 2. This action will proceed against defendants Halberg,
10 Hoyt, Grandy, Swetich, Martinez, Gonzales, Comfort, Oftedahl, and
11 Couto only as plaintiff states cognizable due process claims
12 against them;

13 3. The remaining defendants are DISMISSED from this action
14 as plaintiff has failed to state any cognizable claims for relief
15 against them.

16
17 IT IS SO ORDERED.

18 **Dated: February 10, 2007**
19 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE